

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KIDANEMARIAM KASSA,	)	
	)	
Plaintiff,	)	
	)	CIVIL RIGHTS COMPLAINT
v.	)	42 U.S.C. §1983
	)	
	)	CIVIL ACTION NO.
	)	1:17-CV-02068-AT
FULTON COUNTY, GEORGIA,	)	
PAUL H. HOWARD, officially &	)	
Individually,	)	
ANTIONETTE STEPHENSON,	)	
individually, PIERRE EASLEY,	)	
individually, and JOHN DOE,	)	
officially & individually,	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS FULTON COUNTY, GEORGIA AND FULTON COUNTY DISTRICT  
ATTORNEY PAUL HOWARD, JR'S MOTION TO DISMISS PURSUANT TO  
FED.R.CIV.P. 12(b) (2), 12(b) (5) AND 12(b) (6)**<sup>1</sup>

COME NOW Defendants Fulton County, Georgia ("Fulton County") and Fulton County District Attorney Paul Howard, Jr. ("DA Howard") (collectively, "Defendants"), by and through undersigned counsel and in DA Howard's official and individual capacity, and move this Honorable Court to dismiss the claims asserted against them in Plaintiff's Civil Rights Complaint due to insufficiency of service of process, the Court's lack of

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<sup>1</sup> Defendant Fulton County, Georgia files this motion to dismiss by special appearance only, without waiving the defenses of insufficiency of process, subject matter jurisdiction and venue or submitting itself to the jurisdiction of this Court.

personal jurisdiction, and Plaintiff's failure to state a claim upon which relief can be granted. Defendants move this Court to grant the instant Motion to Dismiss for the reasons more fully shown in the Brief in Support of Defendants' Motion to Dismiss. The legal authority supporting this motion is filed contemporaneously herewith.

Respectfully submitted, this 28<sup>th</sup> day of September, 2017.

**OFFICE OF THE COUNTY ATTORNEY**

Patrise Perkins-Hooker  
COUNTY ATTORNEY  
Georgia Bar No. 572358

Kaye W. Burwell  
Deputy County Attorney  
Georgia Bar No. 775060

/s/ Ashley J. Palmer

Ashley J. Palmer  
Senior Assistant County Attorney  
Georgia State Bar No. 603514

**OFFICE OF THE FULTON COUNTY ATTORNEY**

141 Pryor Street, S.W.  
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	)	
Defendants.	)	
	)	

**CERTIFICATE OF SERVICE**

THIS CERTIFIES that on September 28, 2017, I presented this document in Courier New, 12 point type, and that I have electronically filed the foregoing **DEFENDANT FULTON COUNTY, GEORGIA AND DISTRICT ATTORNEY PAUL HOWARD, JR'S MOTION TO DISMISS PURSUANT TO FED.R.CIV.P. 12(b) (2), 12(b) (5) AND 12(b) (6)** with the Clerk of Court using the CM/ECF system, and will provide mail notification to the following attorney of record:

Tiffany Williams Roberts  
Tiffany W. Roberts, Attorney at Law  
Suite 400

235 Peachtree Street  
Atlanta, Georgia 30303

This 28<sup>TH</sup> day of September, 2017.

/s/ **Ashley J. Palmer**

Ashley J. Palmer  
Senior Assistant County Attorney  
Georgia State Bar No.: 603514

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